

GENERAL INFORMATION SYSTEM
DIVISION: Employment & Transitional Supports

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TO: Commissioners, TA Directors; Staff Development Coordinators

FROM: Russell Sykes, Deputy Commissioner, Division of Employment and Transitional Supports

SUBJECT: Permanently Residing Under the Color of Law (PRUCOL)

EFFECTIVE DATE: Immediately

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An alien is considered by the Office of Temporary and Disability Assistance (OTDA) to be “permanently residing under the color of law” (PRUCOL) if it has been officially determined by the United States Citizenship and Immigration Service (USCIS) that the alien is legitimately present in the United States (U.S.) and the USCIS is allowing the alien to reside in the country for an indefinite period of time. PRUCOL is not an immigration status, but a public benefit category used by OTDA for the purposes of Safety Net Assistance (SNA) eligibility.

The 1996 Personal Responsibility Work Opportunity Reconciliation Act (PRWORA) created new eligibility criteria for aliens to receive federal benefits. As a result, certain aliens who were previously eligible for federal benefits are no longer eligible for federal benefits. PRWORA provided states with the authority to grant state and/or local benefits to those aliens made ineligible for federal benefits. The PRUCOL category is used by OTDA to determine certain aliens’ eligibility for SNA, including some of the aliens made ineligible by PRWORA.

Subsequent changes in federal immigration law repealed and changed certain immigration categories listed in the Temporary Assistance Source Book (TASB) (Chapter 24 pages 440-442) under the PRUCOL section. The TASB is in the process of being updated to accurately reflect changes in federal immigration law and OTDA’s PRUCOL policy.

Aliens who meet the OTDA PRUCOL criteria and who may be eligible for SNA benefits include:

- Aliens paroled for less than a year
- Aliens residing in the United States pursuant to an Order of Supervision under Section 241(a)(3) of the Immigration Nationality Act (INA)
- Aliens granted cancellation of removal pursuant to Section 240A of the INA
- Aliens granted deferred action status, which defers their departure
- Aliens granted “K3” or “K4” visa status established under the Legal Immigration Family Equity Act (Life Act)
- Aliens granted “V” visa status under the Legal Immigration Family Equity Act (Life Act)
- Aliens granted “S” visa status
- Aliens granted deferred action as interim relief for a “U” visa
- Aliens who demonstrate that they entered the U.S. and have continuously resided in the U.S. since January 1, 1972 pursuant to Section 249 of the INA

The TASB is currently being updated to reflect the revised PRUCOL criteria set forth in this GIS.